

**ORDINANCE NUMBER 10 - 36**

**ORDINANCE APPROVING THE REZONING OF  
THE PRAIRIE MATERIAL PROPERTY  
FROM R-1, RESIDENTIAL TO M-1, MANUFACTURING  
FOR PROPERTY LYING SOUTH OF PENNY ROAD,  
WEST OF THE NICOR RIGHT-OF-WAY AND  
NORTH OF POWER DRIVE PROPERTY**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, application has been made by Prairie Material ("Owner") under Petition No. 08-09-01 requesting rezoning from R-1, Residential to M-1, Limited Manufacturing District for property presently zoned R-1 located south of Penny Road, west of the Nicor right-of-way, and north of the Power Drive property; and

**WHEREAS**, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the Village of East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on Petition No. P/Z 08-09-01; and

**WHEREAS**, pursuant to said hearing, the Commission recommended a denial of the petition by 9 present, 0 absent; and

**WHEREAS**, the President and the Board of Trustees of the Village of East Dundee find that it is in the best interest of the Village to rezone the property in accordance with the Village of East Dundee Code, the Village of East Dundee's Comprehensive Plan, and pursuant to the Village's home rule powers; and

**WHEREAS**, the rezoning of this property and its proposed uses are compatible with the objectives, policies and general land uses set forth in the comprehensive plan, as amended;

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** That the application for rezoning Petition No. P/Z 08-09-01 from R-1, Residential to M-1, Limited Manufacturing District is approved, and the specific property more specifically described below is hereby rezoned from R-1, Residential to M-1, Limited Manufacturing District.

THAT PART OF THE EAST ½ OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 89 DEGREES 30 MINUTES 00 SECOND WEST ALONG THE SOUTH LINE OF SAID SECTION, 1514.7 FEET; THENCE NORTH 2 DEGREES 06 MINUTES 0 SECONDS EAST 1450.0 FEET TO THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE LAST DESCRIBED LINE TO A POINT 451.1 FEET SOUTHERLY, MEASURED ALONG THE LAST DESCRIBED LINE EXTENDED FROM THE SOUTHERLY LINE OF STATE ROUTE NO. 68; THENCE SOUTH 87 DEGREES 54 MINUTES 4 SECONDS EAST 234 FEET; THENCE NORTH 2 DEGREES 06 MINUTES 0 SECOND EAST 478.9 FEET TO THE SOUTHERLY LINE OF SAID STATE ROUTE NO. 68; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY LINE TO THE EAST LINE OF SAID SECTION; THENCE SOUTH ALONG SAID EAST LINE TO A POINT 1450.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE WESTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID SECTION TO THE POINT OF BEGINNING; EXCEPTING THAT PART NORTHERLY OF THE SOUTHERLY LINE OF PENNY ROAD; IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

And

PARCEL 1:

THE SOUTH ½ OF LOT 1 AND THE SOUTH 5 ACRES OF THE NORTH ½ OF SAID LOT 1 (EXCEPT THAT PART OF SAID LOT 1 AND OF SAID SOUTH 5 ACRES LYING SOUTHEASTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF HEALY ROAD) IN THE NORTHWEST ¼ OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS ALSO THE SOUTH ½ OF LOT 2 AND THE SOUTH 5 ACRES OF THE NORTH ½ OF SAID LOT 2 (EXCEPT THAT PART OF SAID LOT 2 AND OF SAID SOUTH 5 ACRES LYING SOUTHEASTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF HEALY ROAD) IN THE SOUTHWEST ¼ OF SECTION 30, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THE WEST 190.0 FEET OF THE SOUTH ½ OF SAID LOT 2 AND ALSO EXCEPTING THE WEST 190.00 FEET OF THE

SOUTH 5 ACRES OF THE NORTH ½ OF SAID LOT 2 CONVEYED TO THE COMMONWEALTH EDISON COMPANY BY DOCUMENT NUMBER 18454231 RECORDED APRIL 23, 1962) IN COOK COUNTY, ILLINOIS

PARCEL 2:

THAT PART OF THE SOUTHWEST ¼ OF SECTION 30 LYING NORTHERLY OF THE NORTH RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 72 AND COMMONLY KNOWN AS NEW HIGGINS ROAD AND WESTERLY OF THE EASTERLY RIGHT OF WAY OF HEALY ROAD, EXCEPTING THEREFROM THE FOLLOWING TWO TRACTS:

1. EXCEPT THE WEST 190 FEET THEREOF;

2. EXCEPT THAT PART CONVEYED TO THE DEPARTMENT OF PUBLIC WORKS AND BUILDINGS OF THE STATE OF ILLINOIS BY DOCUMENT NUMBER 12378247 RECORDED OCTOBER 5, 1939 FOR HIGHWAY PURPOSES DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHWEST ¼ OF SAID SECTION DESCRIBED AS BEING A STRIP OF LAND 66 FEET IN WIDTH RUNNING FROM THE NORTHERLY RIGHT OF WAY LINE OF THE PROPOSED DUAL HIGHWAY OF STATE BOND ISSUE, ROUTE 63 TO THE CENTER LINE OF HIGGINS ROAD AS NOW TRAVELLED, CENTER LINE OF SAID 66 FOOT STRIP BEING DESCRIBED AS FOLLOWS: COMMENCING AT SOUTHWEST CORNER OF SECTION 30, THENCE NORTH ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 1,412.73 FEET TO A POINT THENCE SOUTHEASTERLY ALONG A LINE WHICH MAKES AN ANGLE OF 59 DEGREES 01 MINUTE FROM THE SOUTH TO THE SOUTHEAST WITH SAID WEST LINE A DISTANCE OF 109.59 FEET TO A POINT, SAID LINE BEING SAID NORTHERLY RIGHT OF WAY LINE OF THE PROPOSED DUAL HIGHWAY; THENCE SOUTHEASTERLY ALONG A CURVE CONVEX TO THE SOUTHWEST HAVING A RADIUS OF 10,017.06 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, SAID CURVE BEING SAID NORTHERLY RIGHT OF WAY LINE OF PROPOSED DUAL HIGHWAY, A DISTANCE OF 762.2 FEET TO THE POINT OF BEGINNING, THENCE NORTHEASTERLY ALONG A LINE, A DISTANCE OF 245.11 FEET TO A POINT IN THE AFORESAID CENTER LINE OF HIGGINS ROAD AS NOW TRAVELLED, SAID POINT BEING 894.51 FEET FROM AFORESAID WEST LINE OF SAID SECTION 30 AS MEASURED ALONG SAID CENTER LINE OF HIGGINS ROAD, ALL IN TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**Section Two.** That the official zoning map of the Village of East Dundee, Illinois be amended to reflect the approved rezoning of the property.

**Section Three. Severability.** If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section Four. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Five. Publication.** This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 2<sup>nd</sup> day of August, 2010, pursuant to a roll call vote as follows:

AYES:

7 - Trustees Ruffalo, Gorman, Lynam, Miller, Cichowski, VanOstenbridge  
NAYES: 0 & President Bartels

ABSENT: 0

Approved by me this 2<sup>nd</sup> day of August, 2010.

Jerald Bartels  
JERALD BARTELS, President

Published in pamphlet form this 11<sup>th</sup> day of August, 2010, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg

JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on Aug. 11<sup>th</sup>, 2010.

